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27997 7590 08/23/2010 PRIEST & GOLDSTEIN PLLC 5015 SOUTHPARK DRIVE SUITE 230 DURHAM, NC 27713-7736				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROBERT S. COOPER, DEREK SANDERS,  
and VLADIMIR SERGEYEVICH TOKAREV

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Appeal 2009-005279  
Application 10/772488  
Technology Center 2600

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Before ROBERT E. NAPPI, JOSEPH F. RUGGIERO, and MAHSHID D.  
SAADAT *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection of claims 1 through 16.

We reverse.

## INVENTION

The invention is directed to a voice recognition system which adjusts a list of potential matches based upon results from prior recognition attempts. See page 3 of Appellants' Specification. Claim 1 is representative of the invention and reproduced below:

1. A voice recognition system comprising:
  - a plurality of voice activated modules for receiving voice recognition results representing voice inputs from a user and taking actions in response to the voice inputs;
  - a voice recognition module for receiving voice inputs from a user and performing voice recognition on the voice inputs, performing voice recognition on a voice input comprising identifying members of a collection of elements representing potential matches to the voice input, the voice recognition module being operative to prepare a list of potential voice recognition results for a voice input under consideration, each of the potential voice recognition results representing a candidate for a result matching the voice input received from the user; and
  - a results postprocessor for processing the list of potential voice recognition results to improve speed and accuracy of voice recognition, the results postprocessor being operative to make changes to the list based on information relating to past results of recognition attempts in order to associate a higher priority with members of the list having a higher likelihood of matching the voice input under consideration as indicated by the past results of recognition attempts.

## REFERENCES

Chang	US 2003/0091028 A1	May 15, 2003
Hennecke	US 2004/0034527 A1	Feb. 19, 2004

Robinson

GB 2,375,211

Jun. 11, 2006

Jurafsky, Daniel et al. "Speech and Language Processing," pp. 719-750,  
Prentice-Hall Inc, 2000.

Random House Webster's College Dictionary, Random House, Inc. 1999.

### REJECTIONS AT ISSUE

The Examiner has rejected claims 1, 2, 8 through 10, and 12 through 15 under 35 U.S.C. § 103(a) as being unpatentable over Hennecke in view of Robinson. Answer 4-9.

The Examiner has rejected claims 3 through 7, 11, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Hennecke in view of Robinson and Chang. Answer 9-13.

### ISSUE

Appellants argue on pages 6 through 12 of the Appeal Brief that the Examiner's rejection of claims 1, 2, 8 through 10, and 12 through 15 under 35 U.S.C. § 103(a) is in error.

Appellants' contentions present us with the issue: did the Examiner err in finding that the combination of references teaches preparing a list of potential voice recognition results and then making changes to the list as claimed?

## ANALYSIS

*Rejection of claims 1, 2, 8 through 10, and 12 through 15 under 35 U.S.C. § 103(a)*

Appellants' arguments have persuaded us of error in the Examiner's rejection of claims 1, 2, 8 through 10, and 12 through 15 under 35 U.S.C. § 103(a). Independent claim 1 recites a voice recognition module "to prepare a list of potential voice recognition results for a voice input under consideration" and a post processor which makes changes to the list based upon past results. The Examiner interpreted "prepared" as "organization of the list's elements for a proposed task." Answer 14. Based upon this interpretation the Examiner concluded that the claim does not require a reordering of the results list created as part of a current recognition attempt. While we do not disagree about the meaning of the term "prepared," we disagree with the Examiner's conclusion. The plain language of the claim indicates that the list is prepared for "a voice input under consideration" and that the post processor makes changes to the same list that was prepared for the voice input under consideration.

In rejecting claim 1 the Examiner has found that Hennecke teaches the limitations directed to the voice modules and the voice recognition unit. Answer 4. The Examiner has shown that Robinson teaches that the results of past recognition attempts are used to assign priority to some solutions and relied upon Robinson to teach the limitations of the post processor. Answer 5. This finding by the Examiner however relies upon the flawed claim interpretation discussed above. As such, the Examiner has not shown that the combination of Hennecke and Robinson teaches that after a list of potential voice recognition results is made for a voice input under

consideration changes to the list are made as a result of past recognition attempts, as recited in claim 1. Accordingly, we will not sustain the Examiner's rejection of independent claims 1 and 2 under 35 U.S.C. § 103(a).

Independent claims 8 and 12 recite limitations similar to those discussed with respect to independent claim 1. Independent claim 8 recites a module for processing a list of potential voice recognition results representing matches to a voice input under consideration and that the module makes changes to the list based upon past attempts. Independent claim 12 recites examining a list of candidate matches to a voice input under consideration and making changes to the list based upon results of past attempts. Thus, independent claims 8 and 12 similarly recite that a list of potential matches for a voice input under consideration is changed based upon past attempts. As discussed with respect to claim 1 the Examiner has not shown that the combination of Hennecke and Robinson teach this limitation. Accordingly, we will not sustain the Examiner's rejection of independent claim 8 through 10 and 12 through 15 under 35 U.S.C. § 103(a).

*Rejection of claims 3 through 7, 11, and 16 under 35 U.S.C. § 103(a)*

The Examiner relies upon additional teachings of Chang to teach the limitations of dependent claims 3 through 7, 11, and 16. The Examiner has not found that the teachings of Chang make up for the deficiencies noted above in the rejection of independent claims 1, 8, and 12. Accordingly, we will not sustain the Examiner's rejection of claims 3 through 7, 11, and 16

under 35 U.S.C. § 103(a) for the same reasons discussed with respect to the rejection of independent claims 1, 8, and 12.

### CONCLUSION

Appellants have persuaded us of error in the Examiner's rejections of claims 1 through 16.

### ORDER

The decision of the Examiner to reject claims 1 through 16 is reversed.

Appeal 2009-005279  
Application 10/772,488

REVERSED

ELD

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